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DEPT. OF TRANSPORTATION
DOCKET SECTION

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Legal & Regulatory Group

September 7, 1999

Docket Management, Room PL-401
National Highway Traffic Safety Administration (NHTSA)
400 Seventh Street, SW
Washington, D. C. 20590

Re: Federal Motor Vehicle Safety Standards; Child Restraint
Systems; 49 CFR Part 571; Docket No. 99-5891 - //

Ladies and Gentlemen:

The National Automobile Dealers Association (**NADA**) represents 20,000 franchised automobile and truck dealers who sell **new** and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of **1,000,000 people** nationwide, yet more than 80% **are small** businesses as defined by **the Small Business Administration**.

Earlier this summer, NHTSA requested comment on a petition to amend Safety Standard NO. **213**; *Child Restraint Systems*. 64 Fed. Reg. 36657, *et seq.* (July 7, 1999). The petition focuses on **the** use of child booster seats in Type 1 (lap only) seat belt-equipped seating positions and seeks to eliminate the untethered test. In response, NADA **offers** the following.

Since seat belts alone are less than ideal for use by many post-toddler children, the proper use of appropriate child restraints should be promoted. Most belt positioning booster seats for children 4-8 years old (over **40 lbs.**) are designed to be used with Type II (lap/shoulder) seat belts. Yet, these belts may **only** be available in the front passenger seats of pre-MY 1989 vehicles (a **less-than-ideal** child seating location), since they weren't required for any rear seating positions back then. Also, since Type II belts aren't mandatory **for** the center rear seating positions of post-MY 1989 vehicles, belt positioning boosters usually cannot be **located there**.

NHTSA apparently is reluctant to remove its untethered booster seat test based on evidence suggesting **that**, even if tethers were available for belt positioning boosters, they often will not be used. In addition, while NHTSA has been unable to identify any currently available shield-type boosters designed for **use** with **Type I** belts, at least one tether-equipped vest and harness **system** is being sold. An untethered test for this system is not mandatory since, unlike for boosters, NHTSA has determined that it is obvious to users that tethers are essential.

Docket Management, Room **PL-401**
National Highway Traffic Safety Administration (**NHTSA**)
September 7, 1999
Page 2

Several options exist to foster proper post-toddler child safety seating in positions equipped with Type I belts. These include:

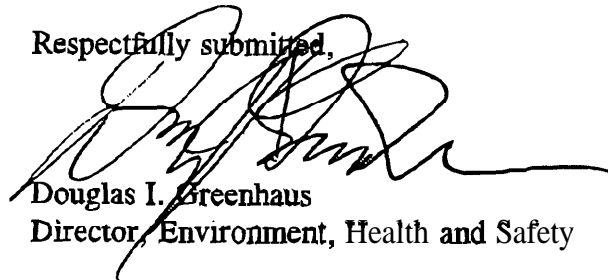
1. Encouraging the production and use of untethered, Standard 213-compliant child restraint systems.
2. Encouraging the production and use of tethered vest and **harness** type systems.
3. Educating **consumers** about new and used vehicles with integral boosters,
4. Educating consumers about the availability of retrofit Type **II** belts.
5. Educating consumers about the availability of retrofit tethers and upper tether anchorages designed **to** provide supplemental head excursion performance.

Given these options, there does not appear to be a convincing justification for eliminating , the untethered booster seat test from Standard 213.

NADA stands ready to work with NHTSA, with vehicle manufacturers, and with other **interested** parties on Options 4 and 5. To the extent retrofit Type II belts **and/or tether** anchorages **are** available, they should be widely recognized as such. Moreover, the recently effective mandate for upper tether anchorages in new vehicles is likely to result in some public interest in anchorage **and tether** retrofits. Also, as new lower anchorage-equipped vehicles and safety seats come to market, the public may show an interest in lower anchorage retrofits as well.

On behalf of NADA, I thank NHTSA for the opportunity to comment on this **matter**.

Respectfully submitted,



Douglas I. Greenhaus
Director, Environment, Health and Safety